

Memorandum

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PRO/027/

IN REPLY REFER TO

4130.0113
(U-530)

To : State Director, Utah (U-910)

Date: April 20, 1979

FROM : District Manager, Richfield

SUBJECT: Continental Lime Inc. Proposed Limestone Plant and Quarry in
the Crickett Mountains

Continental Lime Inc., a subsidiary of Steel Brothers Canada Ltd., has advised this office of their intention to open a limestone quarry and construct a lime processing plant west of Highway 257, some 32 miles south of Delta (letter attached). Personnel from the District met in Fillmore with Continental's representatives on April 4, 1979 to further discuss their proposal and to inform them of our environmental assessment requirements for the project. As a result of that meeting, we sent Continental Lime a letter requesting baseline data that we needed to evaluate their proposal (letter attached).

*Public land
rights of way*

As outlined by Continental's personnel, the proposed quarry sites lie partially in Section 36 of Township 21 South, Range 10 West, and more extensively on unpatented mining claims on adjacent federal lands. Continental proposes to use an existing roadway that traverses the area as a haul road between the quarry and plant (see attached map). This roadway, constructed by U.S. Steel in 1958, was originally 40 feet wide with a gravelled surface and was used as a haulage road from a quarry in Section 19 of Township 21 South, Range 9 West to the rail siding at Bloom. The roadway has been maintained by Millard County, but would require some additional surfacing material. New road construction would be required to connect the existing roadway to the quarry sites and also to connect it to the proposed plant site, located in the Southwest Quarter of Section 36, Township 21 South, Range 9 West. Continental has also identified the need to purchase approximately 60,000 cubic yards of fill material that will be utilized to construct a base for the proposed plant. This material will come from an existing pit in the area. Also identified was the requirement for a 12.5 mile, 46.5 KV powerline right-of-way that would provide the power for the plant.

There are several aspects of Continental's proposal over which we have little or no discretion. Because the proposed quarry sites are located on unpatented mining claims, Continental Lime has a statutory right to work those claims and is not subject to our environmental assessment requirements. We have also researched court decisions and solicitor's opinions relating to ingress and egress to mining claims. Continental Lime has requested a non-exclusive right to use the roadway between the quarry and the plant. The Koenig Decision (IBLA 71-205) and Solicitor's Opinion M-36584 emphasize that claimants have a non-exclusive right of access across public lands as a means of removing their minerals. These rights of ingress and egress were reaffirmed in Section 302 of the FLPMA.

One assessment covering all project components.

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Continental's personnel have indicated that they would be willing to work with the BLM on the location of the new road that would be constructed.

We are, therefore, left with two discretionary actions; the right-of-way application for the powerline and the disposal of the 60,000 cubic yards of fill material for the base of the proposed plant. Continental's personnel indicated that Utah Power and Light will file the application for the powerline right-of-way. Upon receipt of the application we will process it as a separate action and will prepare the required EAR and Land Report. We also intend to have the fill material appraised and dispose of that material in accordance with the 3600 Mineral Material Disposal Regulations. We will prepare the required EAR/Tech Exam.

Based on the following information obtained from Continental's personnel, we do not intend to analyze the proposed plant in either of the environmental assessments that we will prepare. The plant is located on State land and state approval has been given for its construction. Continental has received air quality approval from the State of Utah. Except for the construction phase, the entire operation will employ only 25 to 30 personnel and, except for 2 to 3 technical people, these personnel will be hired from the local area.

The entire area was inventoried for wilderness characteristics during the IPP Study. All areas were found to clearly and obviously not contain wilderness characteristics. No intensive inventories were recommended; however, your decision on these areas will not be announced until mid-May.

Wayne Nixdorf, Exploration Manager for Continental Lime, has requested a meeting at this office on May 3, 1979. At that time Continental will provide us with the base line data that we requested in our April 4 meeting, and we will inform them of our environmental assessment proposals as we have herein outlined, unless we receive additional comments or suggestions from your office.

not baseline data - proposal data!

Attachments - 3

- 1 - Continental Lime proposal
- 2 - BLM request for baseline data
- 3 - Map of proposed plant, road and quarry

Total project

date letter from Co. re Road.